

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

**KIM M. POWELL and
MICHAEL J. POWELL,**

Plaintiffs,

v.

**ARYN GRAVEL GORDON GEEKIE,
NORTH AMERICAN MIDWAY
ENTERTAINMENT-CANADA CO., and
NORTH AMERICAN MIDWAY
ENTERTAINMENT, LLC,**

Defendants.

Civil Action No. 5:09-CV-188(HL)

ORDER

A telephone conference was held in this case on September 10, 2010. This Order memorializes the rulings made by the Court during the conference.

1. Plaintiffs' Motion to Protect Deposition of Dr. Jones (Doc. 66) is granted. The deposition of Dr. Jones scheduled for September 10, 2010 at 12:00 p.m. will not take place.

2. Defendants' Motion to Reconsider Court Order Denying Defendants' Motion in Limine to Strike the Plaintiffs' Expert, Darrin Marcus (Doc. 68) is granted. Under the terms of the jointly proposed Scheduling and Discovery Order (Doc. 12) filed in this case, Plaintiffs were to identify their expert witnesses on or before September 6, 2009. That deadline was never extended by the Court. As Mr. Marcus was not disclosed as a witness until February 2, 2010, his disclosure was untimely. Accordingly, Mr. Marcus will not be allowed to testify at the trial of this case.

3. Defendants' Motion for Leave of Court to Re-Designate the Defendants' Corporate Representative (Doc. 69) is granted. Mike Rinehart may serve as the Defendants' corporate representative during the trial of this case.

SO ORDERED, this the 10th day of September, 2010.

s/ *Hugh Lawson*
HUGH LAWSON, SENIOR JUDGE

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